

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

21-cv-9575 (DLC)

-against-

JAMES DAVID O'BRIEN,

Defendant.

~~COMMISSION PROPOSED~~ ⁹ ORDER ON DISCOVERY DISPUTE

Following the Court conference today on the Securities and Exchange Commission's motion to compel Defendant James David O'Brien to comply with the Commission's discovery requests, the Court orders the following:

1. O'Brien shall ^{by noon on July 1, 2022} provide the Commission with the passwords for all his active and inactive bank and brokerage accounts maintained at any time from 2015 to the present;
2. O'Brien shall ^{by noon on July 1, 2022} identify all email accounts (including addresses and passwords) he has used at any time from 2015 to the present.
3. O'Brien shall ^{by noon on July 1, 2022} turn over to the Commission all computers, cell phones, tablets, and other electronic devices he has used at any time from 2015 to the present, together with all passwords / access codes. The Commission's technical forensic staff will search those devices for relevant bank and brokerage account statements, communications with banks or brokerage firms, and any messages or emails concerning securities trading. After these materials are identified, other Commission

("Review Team")

staff attorneys not involved in this action will conduct a privilege review before the materials are provided to Commission counsel working on this litigation. The

Review Team shall provide defense counsel with

SO ORDERED

non-privileged, responsive materials. Defense

Dated: New York, New York
_____, 2022

UNITED STATES DISTRICT JUDGE

Counsel shall have three business days to bring any dispute regarding privilege to the Court's attention. The Review Team shall promptly provide all non-privileged, responsive ^{materials} to which there is no objection to Commission counsel working on this case.

Amicus GB
June 30, 2022